

**New Shoreham Town Council Meeting
Town Hall, Old Town Road
Monday, April 4, 2011
7:00 p.m.**

Present: First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Council members Richard P. Martin, Peter B. Baute and Kenneth C. Lacoste. Also present were Finance Director Amy Land, Town Manager Nancy Dodge and Deputy Town Clerk Millicent McGinnes for the recording of minutes.

First Warden Gaffett called the meeting to order at 7:02 p.m.

Warden's Report

First Warden Gaffett reported the following:

- Interstate Navigation will charge a slight increase on their rate 1.75% over the base rate, as per a Return of Equity PUC filing. The year round resident base rate will go from \$10.50 to \$10.70.
- Parking passes for the DEM lot in Point Judith will be sold at the Police Station on April 29, 2011.
- Building Official Marc Tillson reported that Building Department revenues for March were about \$15,000, indicating not only an increase in revenue, but in construction jobs.

Public Input

From the audience the following people spoke:

- Dr. John Willis –shared his high regard for the Harbormaster, noting that he has seen him all winter checking clamming licenses and towing boats. He noted the Harbormaster was an asset to the Town.
- Arlene Tunney – stated that the parking area at the end of West Beach Road is being undermined and is dangerous. It was noted that the Town Manager will follow up.
- Chris Warfel – stated that he felt the technology bills for the Town and the school were not right and asked for support to look into them further. He was told that the documents are public record, and therefore he would have access.
- Martha Ball – stated that the sand was mounting in the Town Beach parking area and should be addressed.

1. FY12 Budget worksession

Finance Director Land reviewed some changes that had been made to the proposed FY12 budget as follows:

- Taxes – Motor Vehicle Taxes in Lieu: This line was increased from \$7,639 to \$8132, as represented in the Governor's updated budget.
- State Aid – Telephone/Public Svc Corp: This line was increased from \$9,822 to \$10,935, as represented in the Governor's updated budget.
- Finance – Wages Board of Assessors: This line was changed from \$1,110 to \$1,100 to fix a type-o.
- Fire/Rescue/Communications – Building Maintenance: This line was increased from \$1,000 to \$2,820 for the addition of Police Station cleaning.
- Town Highways/Maintenance – Water Town Offices: This line was changed from \$2,000 to \$2,800 representing the addition of the Smuggler's bathrooms to Town water.
- Recreation - There were changes under Recreation that did not change the bottom line of the department:
 - Wages – Recreation Director: This item was increased from \$40,173 to \$44,333 to reflect a job description negotiation between the Employee's Association and the Town.
 - Benefits – This line was increased from \$21,833 to 22,198.
 - Payroll Taxes – This line was reduced from \$11,089 to \$9,764.
 - Event Expenses - \$16,425 was reduced to \$15,425.
 - Fred Benson Beach - \$32,500 was reduced to \$31,500.
 - Heinz Field Maintenance – This line was lowered from \$21,000 to \$19,800.

- Gis/Technology – License & Maintenance Contracts: This line was increased from \$35,736 to \$36,736 to cover an additional program in the Clerk's Office.

Ms. Land explained that the current budget includes a 20% increase to the Old Harbor wharfage fees.

Town Manager Dodge stated that there were some savings garnered by running the employee health insurance administration through the Trust, requiring a three year commitment. She explained that there would be no change in coverage or policy, but the anticipated increase would be 4 – 6% instead of the 12% currently budgeted for. She noted that the Town savings would be \$25,500, minus a \$9,500 capital contribution, equaling \$16,000 and the school savings would be \$30,000, minus \$7,500 contribution, equaling \$22,500.

Ms. Gaffett noted that the Council had received a letter from the Senior Advisory Commission requesting funding for a part-time coordinator.

Mr. Torrey stated that he was happy to see a well deserved increase for the Recreation Director. Ms. Gaffett stated that she was pleased the staff was willing to take wage freeze.

Ms. Gaffett made a motion to increase the tax rate from 4% to the allowed cap of 4.25%. Mr. Torrey seconded the motion and it carried.

5 Ayes (Gaffett, Torrey, Lacoste, Martin, Baute) 0 Nays

Ms. Gaffett made a motion to allocate \$30,000 to School Support to cover their loss of Medicaid reimbursements. There was no second to the motion. School Superintendent Hicks stated that the school needed \$60,000 to make their current program and staffing model work.

Dr. Baute stated that he wanted to further fund the Town Beach conceptual plan. Ms. Gaffett stated that, although she thought the beach pavilion was a priority, she did not see it as pressing as other needs. Ms. Dodge stated that the project is currently funded with \$9,500 and that should be adequate to send out an RFP.

Dr. Baute made a motion to allocate \$2,500 to the Fred Benson Town Beach – Facility Planning. Mr. Torrey seconded the motion and it carried.

3 Ayes (Torrey, Lacoste, Baute) 2 Nays (Gaffett, Martin)

Ms. Gaffett made a motion to allocate \$30,000 to School Support. Mr. Torrey seconded the motion and it carried.

5 Ayes (Gaffett, Torrey, Lacoste, Martin, Baute) 0 Nays

Dr. Baute made a motion to fund the Contingency line an additional \$3,100. Mr. Martin seconded the motion and it carried.

5 Ayes (Gaffett, Torrey, Lacoste, Martin, Baute) 0 Nays

Ms. Gaffett made a motion to move \$10,000 from funding library computers to funding the library HVAC system. Mr. Martin seconded the motion and it carried.

5 Ayes (Gaffett, Torrey, Lacoste, Martin, Baute) 0 Nays

Discussion ensued regarding the fact that the \$40,000 revenue, a billing charge paid by the Sewer Department, has been waived for this year. Dr. Baute stated that he felt waiving the fee was the right thing to do, so as not to be an additional burden on the Sewer Department and to not have it trickle down to the rate payers. Ms. Gaffett stated that the fee can always be reimplemented down the road, following the garnering of more information. From the audience, it was stated that the Sewer Department should not be rewarded for lack of fiscal responsibility.

Discussion ensued regarding expanding the local car tax.

Mr. Martin made a motion to accept the budget the way it is. Mr. Torrey seconded the motion and it carried.

5 Ayes (Gaffett, Torrey, Lacoste, Martin, Baute) 0 Nays

Mr. Lacoste stated he voted for the motion knowing that the Council is still looking for more funding and would readdress the budget on April 6, 2011.

2. Review and act on TNS fee schedule

Discussion ensued regarding the Bike Rental License fee. Ms. Lacoste recused himself, as he is a holder of such a license.

Ms. Gaffett moved to adjust the Bicycle Rental License fee to \$3.00 per bike instead of the current flat fee of \$200. Mr. Torrey seconded the motion. Following discussion, the motion and the second were withdrawn.

Ms. Gaffett made a motion to adjust the Bicycle Rental License fee to \$5.00 per bike. Mr. Martin seconded the motion and it carried.

4 Ayes (Gaffett, Torrey, Martin, Baute) 0 Nays 1 Recusal (Lacoste)

Mr. Lacoste returned to the table.

Ms. Gaffett made a motion to increase the Old Harbor Wharfage fee by 20% as recommended by the Harbors Committee. Dr. Baute seconded and the motion carried.

3 Ayes (Gaffett, Torrey, Lacoste) 2 Nays (Baute, Martin)

3. Receive and act on requests of John Kisseberth to renew Hawker's and Peddler's license and to use town land (plat 1 lot 16)

John Kisseberth was present and his request to use a portion of town land parking lot (Plat 1, Lot 16) from 10:00 a.m. – 5:00 p.m. for his hot dog cart, keep the area cleaner than he found it and renew his Hawker's and Peddler's license was noted. Ms. Gaffett stated that in previous years, Mr. Kisseberth has kept the area clean.

Dr. Baute moved to renew the Hawkers and Peddlers license currently held by John Kisseberth, for the operation of a hot dog cart and the secondary offering for sale of any goods, wares or merchandise, including any foods or beverages at the Settler's Rock area as allowed under the Town's ordinances, pending receipt of the required documentation as spelled out in town ordinances and state law. Mr. Martin seconded the motion and it carried.

5 Ayes (Gaffett, Lacoste, Torrey, Baute, Martin) 0 Nays

4. Receive and act on recommendation of the Shellfish Commission that the Town of New Shoreham proceed with the process to make an application to RI CRMC for an Aquaculture permit in Area 1 of the Great Salt Pond

Harbormaster Stephen Land was present and stated that the Shellfish Commission was requesting to apply for a CRMC aquaculture permit to be located in Shellfish Area 1 of the Great Salt Pond (see attached map). He explained that the Town would hold the permit and make areas available to aquaculturists and regulations regarding such sublets shall be drafted. He further explained that the aquaculture area will be marked by bouys, but the equipment will not break the water surface.

Ms. Gaffett made a motion to endorse the concept of developing a town application for an aquaculture site in Area 1 of the Great Salt Pond and authorize the Harbors Department, Shellfish Commission and Town Manager to work together through the application process with CRMC. Mr. Torrey seconded the motion and it carried.

5 Ayes (Gaffett, Lacoste, Torrey, Baute, Martin) 0 Nays

5. Receive and act on letter from the Motor Vehicle for Hire Commission re: R. Migliaccio request for exception to the TNS ordinance Chapter 8, Article VII Sec. 8-166 (d) limit of three drivers in addition to the license holder

Rally Migliaccio was present. It was noted that the Motor Vehicles for Hire Commission made a request in a letter dated March 23, 2011. They requested that the Council grant Mr. Migliaccio relief from New Shoreham General Ordinance 8-166(d), (limiting relief drivers to three) by allowing him to have four relief drivers in exchange for giving up his Town chauffeur's license.

Ms. Gaffett explained that the Council did not have the authority to waive an ordinance; nor did she want to make a single person exception. From the audience, Mark Emmanuelle spoke against the request, as it encourages owners not to drive their own cabs.

Ms. Gaffett made a motion to not accept the current recommendation of the Motor Vehicles for Hire Commission regarding relief from 8-166(d) for Rally Migliaccio and ask the Commission to revisit the issue and make suggestions for either an ordinance change or a regulation that addresses all cases, not just a case by case basis. Mr. Torrey seconded and the motion carried.

5 Ayes (Gaffett, Lacoste, Torrey, Baute, Martin) 0 Nays

6. Receive letter from Gerry & Bud Comeau re: BI Housing - Seawinds

It was noted that a request was received from Gerry and Bud Comeau to read a letter from Patrick Dougherty to Don Packer and David Igliozi dated 3/10/2011 regarding Seawinds. The letter states that the deadline of April 15, 2011 is approaching for the demolition of the old garage and re-positioning of the air conditioner units. Ms. Dodge noted that if the deadline is reached without compliance, either a Notice of Violation would go out, or court action would commence to enforce the consent decree.

7. Receive and act on letter from Rustic Rides re: annual request for permission to use town roads

It was noted that Tim McCabe was not present.

Ms. Gaffett made a motion to approve the request of Rustic Rides, Inc. to use Old Mill Road, Dorry's Cove Road, Grace's Cove Road and Champlin Road from May to September 2011, and to use all other Town Roads from October 2011 – May 2012, not to include Cooneymus Road. Rustic Rides is required to continue to work and cooperate with Superintendent of the Roads Mike Shea and Town Manager Nancy Dodge regarding road maintenance requests. The motion was seconded by Dr. Baute.

Ayes 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

8. Receive and act on letter from Narragansett Council Boy Scouts of America re: Special Temporary permit for portable restrooms at the Boy Scout Camp, Connecticut Ave.

First Warden Gaffett noted that the Narragansett Council of the Boy Scouts are requesting a Special Temporary Permit for portable restrooms at the Boy Scout Camp on Connecticut Avenue as they have in previous years.

Mr. Lacoste made a motion to grant a Special Temporary Permit from April 15, 2011 to October 15, 2011 for the placement of portable toilets at the Boy Scouts in accordance with the request in their letter of March 22, 2011, and to insure they are maintained on a regular basis, seconded by Mr. Martin.

Ayes 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

9. Boards, Committees and Commissions:

• Announce openings

Ms. Gaffett announced that there are vacancies on the following boards: Library Board of Trustees; and Town Council Representative on the Block Island Health Services.

In addition, the following board, committee and commissions will have positions open for new appointments or reappointments in the near future:

- Sewer District Commission (1 full member, 2 alternates in May)
- Water District Commission (1 full member, 2 alternates in May)

10. Minutes: January 3, 2011(closed), February 7, 2011 (closed), March 7, 2011, March 16, 2011

Ms. Gaffett made a motion to approve the minutes of January 3, 2011 (closed), February 7, 2011 (closed), March 7, 2011 and March 16, 2011 with changes. Mr. Torrey seconded the motion.

Ayes 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

**11. Correspondence: RI CRMC re: Cease and Desist Order Plat 4 lot 41; C. Willi
re: freedom of Information Act RIGL 38-2 request**

The correspondence was noted received.

**12. Review Town Council meeting schedule and set meeting date with WCRPC re:
energy audit agreements.**

It was noted that the meeting with Washington County Regional Planning Council will be postponed, as Noresco, the ESCO energy audit company hired, will be replaced with new company.

Public Input Cont.

From the audience, Bruce Montgomery questioned why the privet hedges in the Cooneymus Road beach access have not yet been removed, when the motion was made four months ago to remove them. Town Manager Dodge stated that the motion called for the privets to be removed following a property survey that has only been recently received. The Council confirmed its previous action by directing that the privets will be removed and remove the shrubs by April 15, 2011.

Bruce Montgomery questioned when all of the components of the bike safety flyer will be ready for finalization. Ms. Gaffett stated that she will follow up.

With no further business to discuss, Mr. Martin made a motion to adjourn at 9:45 p.m. Mr. Lacoste seconded with all in favor.

Millicent McGinnes
Deputy Town Clerk

Submitted: April 1, 2011
Approved: April 20, 2011